

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DNA Polymorphisms in Sterol Regulator Element Binding Proteins

the specification of which
(check one)

 X is attached hereto
_____ was filed on _____ as
Application Serial No. Not yet assigned
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
<u>CH-1277/99</u>	<u>Switzerland</u>	<u>July 9, 1999</u>	<u>X</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
<u>PCT/IB00/00918</u>	<u>July 7, 2000</u>	<u>Published</u>
_____	_____	_____
_____	_____	_____

And I hereby appoint:

Donald S. Dowden, Reg. No. 20,701; Ivan S. Kavrukov Reg. No. 25,161; Christopher C. Dunham Reg. No. 22,031; Jay H. Maioli, Reg. No. 27,213; William E. Pelton, Reg. No. 25,702; Robert D. Katz, Reg. No. 30,141; and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, NY 10036 (Tel: 212-278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to

Donald S. Dowden Reg. No. 20,701
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first joint inventor

André R. Miserez

Inventor's signature

Citizenship

Switzerland

Date of Signature

Residence

Aesch, Switzerland

Post Office Address

St. Jakobstrasse 70

CH-4147 Aesch, Switzerland

Applicant or Patentee: _____ Attorney's
 Serial or Patent No.: _____ Docket No.: _____
 Filed or Issued: _____
 For: DNA Polymorphisms in Sterol Regulator Element Binding Proteins

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled DNA Polymorphisms in Sterol Regulator Element described in Binding Proteins

☐ the specification filed herewith
☒ application serial no. _____, filed _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

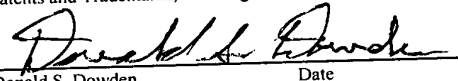
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

André R. Miserez	NAME OF INVENTOR	NAME OF INVENTOR
<i>André R. Miserez</i>	Signature of Inventor	Signature of Inventor
<u>December 28, 2001</u>	Date	Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : André R. Miserez
Serial No. : 10/030,504
Filing Date : January 8, 2002
For : DNA Polymorphisms in Sterol Regulator Element Binding Proteins
Group A.U. : Not Yet Known
Examiner : Not Yet Known

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.


Donald S. Dowden
Reg. No. 20,701
Date
February 22, 2002

1185 Avenue of the Americas
New York, New York 10036
February 22, 2002

SUBMISSION OF DECLARATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

We are submitting herewith an executed Declaration and Power of Attorney. The undersigned hereby certifies that it identifies application serial number 10/030,504, filed January 8, 2002 (attorney docket number 0796/66513).


We are also enclosing herewith a check in the amount of \$65.00 in payment of the fee appropriate for a small entity for late filing of a declaration.

03/06/2002 UEDUVIJE 00000191 10030504

01 FC:254

65.00 OP

COOPER & DUNHAM LLP


Donald S. Dowden
Reg. No. 20,701